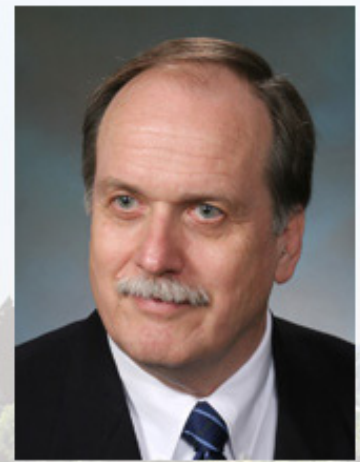




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State Representative



Mike Sells
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38th Legislative District REPORTS FROM THE CAPITAL

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The 2009 Session / Summer 2009

Dear Neighbor:

The first thing we'll say here today is that it's a great honor to represent you and other citizens of our Everett, Marysville, and Tulalip communities. We're more than halfway through summer already. And we're close to halfway between the end of the 2009 legislative session this past spring — and the beginning of our 2010 Olympia work next winter.

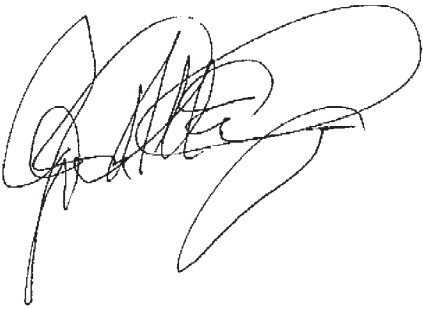
True, the much-discussed budget and the worldwide economic recession are swallowing up most of the publicity. But that's certainly not the whole story. This issue of *Reports From the Capital* reviews the biggest topics on our legislative agenda. Many different statewide matters – topics

that, for sure, are also of great concern to folks in Snohomish County – are covered in these pages. These subjects range from energy efficiency and affordability to K-12 and higher education to health care to economic development.

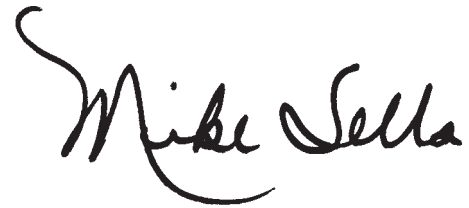
Many of you have met or at least talked on the phone with Lacey Homchick, legislative assistant for Representative McCoy, and JoAnn Chapman, legislative assistant for Representative Sells. You'd better believe that the two of them and the two of us are always interested in reading and hearing what *you're* thinking about *your* state government.

Please don't ever hesitate to tell us what's on your mind. That's the surest way we'll make state government do a better job for every one of us!

All the best,



**State Representatives
38th Legislative District**



Energy:

**Tomorrow is in our grasp today
if we'll only embrace alternative
technology**

It's one of our top responsibilities — doing the sowing and spadework today so we can harvest thousands of green, high-demand jobs tomorrow. No doubt about it. The straightforward objective must be to update the way our Evergreen State goes about the energy business. In fact, a solid, job-creating strategy did win approval from the Legislature and the governor this year.

Green, high-demand jobs right now, right here. Jobs built for young adults who are just entering the working world. And jobs created via the retraining needed for folks to craft new careers and get moving toward a prosperous 21st century.

Along these lines, Representative McCoy prime-sponsored [HB 2289](#) involving the [Energy Freedom Program](#). The program promotes and encourages renewable, energy-efficient markets that are crying out for innovative, cutting-edge technologies. We need people with the vision and technological know-how to move alternative-energy projects from the drawing board to the marketplace.

Two very unambiguous, clear-cut targets are singled out in this year's plan. By pushing ready-to-go products online faster and by making changes in the Energy Freedom Account in order to secure federal money, we will:

- *Decrease our use of fossil-fuel-based products.*
- *Increase our use of energy-efficiency programs.*

Green-jobs in these first decades of the 21st century involve alternative and renewable foundations: solar, wind, wave, tidal, geothermal, wastewater, anaerobic, and biomass. We must also craft strategies for reducing consumption through innovations such as smart grids and smart metering.

**** Our Energy Freedom Program***

Loans available for deserving folks in the Washington Energy Freedom Program go a long way toward cultivating the biofuel industry. We aim for nothing less than:

- *Establishing new and strong markets for alternative fuels.*
- *Cutting our old dependence on foreign oil.*
- *Improving citizen health and quality of life.*
- *Sparking nascent industries for farmers and other citizens of rural Washington.*

Energy Freedom loans help launch facilities generating energy from farm sources and organic matter that is converted into fuels. These low-interest loans for local governments, ports and other public entities help acquire additional private financing. Matching funds cover at least half the total cost of a project.

The [state Department of Agriculture](#) works to help finance the development of very doable projects in the biofuel industry. The department promotes public research and development in biofuel sources and markets, and supports a strong biofuel-crop sector in the agribusiness world.



Work in progress:

Talk of updating Initiative 937 put on hold at the close of this year's Legislature

Washington voters three years ago OK'd groundbreaking ideas spelled out in [Initiative 937](#) (I-937) to spur development of renewable-energy resources. Foremost among these ideas were requirements for medium and large utilities (the ones that serve at least 25,000 customers) to work harder at getting their hands on power from renewable resources – wind, solar and biomass, to name a few. Provisions demanding that utilities achieve cost-effective energy efficiencies were also spelled out in I-937.

A pair of proposals amending I-937 were put before us in Olympia this year. Although one of the bills died in the House, [SB 5840](#) made it all the way through both legislative chambers *and* through a conference committee. (A “conference committee” – made up of three representatives and three senators – is assembled when both bodies pass a bill, *but simply cannot agree on what we should actually send to the governor.*)

The conference committee's compromise on SB 5840 was submitted to the two chambers at midnight on the second-to-last day of session. And that's where the report sat for 24 hours until the final gavel fell on us this session. We'll certainly be debating the plan again in the 2010 Legislature.

Washington state's "Renewable Portfolio Standard" is outlined in the initiative, itself. This standard is intended to spur the development of renewable-energy projects and reduce our dependence on fossil fuels. We're trying to respect the points that have been emphasized by utilities, by the industry, and by the environmental community. We need strategies to help folks follow the law in a way that meets demands of the initiative — and that maintains a sense of fairness for parties involved in the process.

**** Higher standards for renewables***

Right now, state law says the qualifying utilities must meet these upcoming renewable-portfolio standards:

- ***At least three percent of load by 2012.***
- ***At least nine percent of load by 2016.***
- ***At least 15 percent of load by 2020.***

Terms of the conference committee's report would bump standards for the years 2016 and 2020 up to at least 10.25 percent and at least 16.25 percent, respectively. A new goal of at least 20 percent by 2025 was also proposed.

A further point in this debate involves geographic boundaries — the areas from which utilities must purchase renewable forms of electricity. Current law limits this area to Washington, Idaho, Oregon, western Montana and a small part of northern California. The conference committee's report would have expanded this region to include all 14 western states, western Canada, and Baja California, Mexico.



Education:

We have a responsibility to assure top-notch schooling for students

Our [Washington State Constitution](#) doesn't beat around the bush when it comes to the Evergreen State's No. 1 priority. A good and thorough education for every K-12 youngster is our "paramount duty." That holds true even during these difficult economic times. Our commitment to keeping a high-quality school system is unwavering — and it must always be that way.

We joined a majority of folks in the Legislature this year in redoubling our efforts toward providing every child the tools they'll need in the years ahead. Now, of course, you have every right

to ask, “What does that really mean?” It means an education that provides young people the foundation for earning success in their life and work.

Here’s a roundup of the major education bills we passed in the 2009 legislative session:

- [SB 5889](#) seeks to abolish the irksome unfunded mandates that are thrust upon our local schools. The legislation temporarily lifts, repeals, or amends certain requirements that cost school districts money *but that aren’t considered high-priority activities*.
- [SB 5414](#) and [HB 1562](#) are aimed at improving our assessment system to help every student succeed and graduate on time. We’re making many improvements in the Washington Assessment of Student Learning, and these improvements are particularly important in the math and science sections of the test.
- [HB 1355](#) creates the Opportunity Internships Program to form a partnership between schools and employers. The goal is to help low-income high-school students receive appropriate training and education for jobs in high-demand industries.
- [HB 1758](#) allows students who have earned an associate degree at a community or technical college (including high-school students in the Running Start program) to receive a high-school diploma.
- [HB 2119](#) expands dual-credit opportunities by developing guidelines for “College in the High School,” as well as allowing colleges to count Running Start students in their enrollment targets.
- [SB 5248](#) seeks better educational opportunities for the 30,000 children of military families in our state. Military kids tend to move frequently, of course, and that particular fact of life presents unique challenges for youngsters and their folks. With this new law, Washington will join the Interstate Compact for Military Children — and we’ll do a better job helping these young people make the needed educational transition.
- [SB 5973](#) establishes an Achievement Gap Oversight and Accountability Committee to keep a sharp eye on implementation of measures to close the achievement gap for students of color. Our society cannot stand idly by while some young students fall behind on test scores and other measures of student success. *That’s not America*.
- [SB 5410](#) constructs a framework for the fast-growing world of online K-12 education. This new state standard (1) calls for a baseline-study of requirements, (2) sets up a process for accreditation and approval, and (3) addresses funding issues related to online learning. Additionally, the new law establishes a Web site providing details on the program, as well as model contracts for school districts and providers.
- [SB 5676](#) removes an existing limitation that middle-school career- and technical-education courses receive enhanced funding only if funds are appropriated for this purpose. The new policy also requires that the qualifying courses must be in science, technology, engineering, and mathematics.

** Financial boost for higher education*

There are a good many state and federal financial-aid programs for college. Still, it’s often difficult and overwhelming to get information and find the avenue that best meets the needs of a

student and her or his family. This session, we simplified the process in several ways. [HB 2021](#) will:

- Label all financial-assistance programs under the new banner of Opportunity Pathway.
- Create the Washington Higher Education Loan Program to provide low-cost student loans.
- Notify resident undergraduate students of any federal tax credits related to higher education.
- Allow colleges and universities to use their institutional-aid funds for students in dual-credit programs.
- Phase out the Educational Opportunity Grant program over a two-year period, while providing enhanced State Need Grants to place-bound students.

We also created the [Opportunity Internship Program](#) to help low-income high-school students get into high employer-demand occupations in targeted industries.

As we're sure you know, our Washington schools are hurting for enough qualified teachers. Traditionally, in order to become a teacher here, you'd have to graduate from a teacher-preparation program offered by a college or university. However, in an effort to attract mid-career professionals into the teaching force, the Legislature in 2001 created alternative routes to teacher-certification. These programs are aimed at experienced paraeducators and mid-career professionals with expertise in math, science and special education — areas where we have the most severe shortages.

This session Representative Sells addressed the teacher-shortage issue with his [HB 1675](#). The measure removes certain requirements for candidates pursuing residency teacher-certification through alternative routes.



Health care:

Coverage for citizens, especially our youngest ones, is so very important

We looked high and low this past session for \$850,000 to fund an particularly important objective. That's the money we successfully endeavored to set aside for the Apple Health for Kids program created in [HB 2128](#). We made the commitment a couple of years ago to provide health coverage for every child in Washington by 2012. Now today, we're very happy to report that we might reach our goal ahead of time.

Many people are struggling to pay for the basic health care they need. And that's exactly why we passed a [bill](#) in the 2009 session requiring that our state's Medicaid program cover and reimburse home-health services that are delivered through telemedicine.

The worldwide recession has obviously driven up the unemployment numbers. But health coverage for unemployed workers in the federal Consolidated Omnibus Budget Reconciliation Act (COBRA) program is often simply too expensive. So this year we passed [legislation](#) allowing un-

employed workers to apply directly for individual health insurance – thus providing more affordable coverage.

You’ve no doubt heard about [MRSA](#) (Methicillin Resistant Staphylococcus Aureus), which is a very serious and hard-to-treat bacterial infection. We passed a [bill](#) requiring every Washington hospital to adopt a MRSA policy by next January. Hospitals will test for intensive care or at-risk patients, and develop procedures for arresting the spread of MRSA, if it is detected. Further, hospitals must notify a patient if he or she is sharing a room with a MRSA-positive patient.



Consumers: Protection from gougers and grifters a duty for any society calling itself civilized

Sometimes payday loans are the only real option for people when cash is short, the bills are long — and an emergency expense comes up. But it’s all too easy to fall into an endless cycle of debt

for these types of loans. As a way to help folks stay out of this cruel trap, a majority of lawmakers this year voted “Yes” for [HB 1709](#).

This consumer-protection measure requires a minimum of 60 days for repaying small loans, and reduces the fee for a small loan to 10 percent of the principal. Further, the new payday-loan rule allows borrowers who are in danger of falling into trouble to convert their loans into installment plans. The legislation stops the practice of borrowers going to additional lenders in an ill-fated attempt to escape debt to the first lender.

Thanks to another measure passed this session, [SB 6033](#), owners and tenants will get more notice of foreclosures on deeds of trust. The legislation requires lenders to contact homeowners before issuing a notice of default. It will also give tenants more time to move after a foreclosure sale.

This year we also took a very close look at the way we contract for services to children and families. We want to find a balance between the state role and the community role in a child’s well-being. And in fact, we identified several problems that are addressed in [legislation](#) improving the Child Welfare System.

The new law focuses both on permanency and on reducing length in the foster-care system — with the goal of reaching better outcomes for kids. By allowing evidence-based services to be tailored to the needs of the family, we mount an even stronger attack against the nightmare of child abuse. We also want to make sure that children are returned to their homes more quickly just as soon as it’s appropriate for them to be returned.



Stock water:

Major panel all set to review status of a huge resource, offer its opinions for 2010

Water issues – water use, reuse, abuse, misuse, overuse, and other matters involving what is undoubtedly one of the hottest of hot-button debates – have forever been a big old bone of contention here in the Evergreen State. For sure, water scraps and scrapes even today are confounding our more than 30 health departments, nearly three-dozen tribes, almost 40 counties, upward of 300 cities, thousands of farms and other businesses, and millions of citizens. And oh yes, you can go ahead and

throw one state government and one federal government into that brouhaha, too.

Representative McCoy was appointed to the Stock Water Working Group — a committee made up of voices from the farming and environmental communities, as well as representatives from state agencies, the federal government, and Native American tribes. He looks forward to joining the discussions that the Working Group will address in the coming months.

The new committee's agenda will include reviewing the state of our resource — such as issues and answers surrounding the use of permit-exempt wells for stock-watering purposes. I'm confident the group will craft recommendations for the 2010 legislative session.

Our state's [Ground Water Code](#), which was written 64 years ago, requires a water-right permit for any new withdrawal of ground water. These standards "grandfather" ground-water rights that existed before 1945, and they exempt some other new withdrawals from the permit requirement. It's high time we take this serious look at how we've been deciding the dividing of water rights.



Military parents:

Folks who are deployed shouldn't have to worry about their child-custody rights

This one's about simple common sense and common decency. It's an issue that hits all too hard at all too many deployed military parents. It gnaws at them, even as they're serving our country hundreds and thousands of miles from their own little ones. They have to fret and stew and worry about their child-custody orders being changed.

We approved [HB 1170](#) to strengthen the custodial rights of

a deployed parent when changes are under consideration *as a result of the parent's military duties*. The new policy directs that any such changes must be only temporary in nature.

Former state law resulted in court decisions that were for the most part indifferent to the rights of military parents. But certainly if a dad or mom is away because they're serving our country in the military, their parental, custodial-arrangement rights for their kids should not be compromised. Folks in the service should have every right to participate in any custody proceedings, but they obviously can't participate if they're deployed.

We should never disrespect the rights of service personnel, certainly not when they're serving in a wartime capacity. The issue hits home particularly hard here in Washington, which of all the states has the seventh-highest population of active-duty military personnel. Unfortunately, the obvious stresses of wartime military service lead to more divorces than is usually the case in military families. And for that reason, this is an issue that comes up these days more frequently than when our nation isn't at war.

The successful legislation makes it possible for a court to delegate the residential time or visitation of a military parent to a person other than the parent during the military parent's deployment. A court must also speed up the hearings and make it possible for a military parent to testify electronically if he or she cannot be in court in person.



***Capital budget:
Quality of life and quality of growth
are key in our state's 2009-2011
building plans***

Our Snohomish County communities and neighborhoods make up one of the fastest-growing regions in the Pacific Northwest. We need to guarantee that our schools, our

colleges, and our general infrastructure keep pace with this population boom. And in fact, millions of dollars in public-works projects here and elsewhere around our state are included in the new biennial capital budget.

The construction projects called for in the capital budget will help provide dependable, family-wage jobs for thousands of citizens. Investments we make today will help determine the ***quality of life*** in our neighborhoods and communities for the rest of the 21st century. These investments are no less important for the ***quality of growth*** in terms of our economic development.

The new capital budget includes millions of dollars worth of construction and other Snohomish County projects here in our 38th Legislative District. Our new building budget sends funds to a wide variety of public programs and activities, including:

- ***Snohomish County Emergency Center.***
- ***Dawson Place Child Advocacy Center.***
- ***Artspace Everett Lofts.***

- *Visual Arts Education Center.*
- *Plaza Theatre.*
- *Legacy Project (Imagine).*
- *Marysville Boys and Girls Club.*
- *Everett Community College.*

A University of Washington study a few years ago found that every \$1 million in construction spending creates 30 jobs in the construction, support and retail industries. Our new capital budget focuses on statewide maintenance and preservation projects for schools and other public facilities. Projects such as plumbing, electrical repair and weatherization are a priority. Local contractors have been devastated more than anyone else by the collapse of the housing market. For that reason, these businesses will see the biggest boost in the budget.



Transportation budget: **Making sure that current and slated highway projects stay on the right tracks**

No less than the capital budget, the new biennial transportation budget is very significant in terms of economic stimulus. Make no mistake: Quality transportation investments are a great financial shot in the arm during good economic times – to say nothing of the boost these investments are providing in what is undoubtedly the worst and thorniest recession in 70 years.

Yes, this transportation budget will create good, family-wage jobs today. And you best believe it will also help build a sound, high-quality infrastructure tomorrow. Our aim is twofold. We want to keep existing and planned projects on track and moving forward. And we want to get them finished and signed off on time.

The 2009-2011 transportation budget takes advantage of federal dollars included in vital stimulus proposals advanced by the new presidential administration. This legislation continues our work toward completing highway, rail, and ferry-construction activities all over the state. We're looking at 400 projects that will launch approximately 49,000 good jobs in our own Snohomish County communities and other neighborhoods, towns and cities all across Washington.

Transportation contractors have dramatically hiked their hours worked; payroll and labor hours, in fact, nearly doubled from May to June. The employment data shows that workers on Recovery Act-funded projects put in almost 60,000 hours in June, compared to not quite 30,000 hours in May. Now, consider that the average salary on one of these road projects is \$38 an hour. In a big-time way, the stimulus money helps these women and men support their families — and it helps them support our economy, as a whole.

**** Where we stand thus far***

Do the math. According to the American Association of Surface Highway Transportation Officials: We can spend a dollar today to preserve a road — or we can spend 14 dollars tomorrow to rebuild the road if we let it go to potholes. According to the Department of Transportation, in fact, our Evergreen State has invested more than 70 percent of the \$344.6 million highway-stimulus package we received from the federal government. Funds have been set aside for more than 30 of 36 total individual transportation projects.

Our new transportation budget sends funds to a wide variety of projects in our region, including various improvements for:

- *I-5 between Marysville and the Stillaguamish River.*
- *I-5 / 116th St. interchange in Marysville.*
- *I-5 / 164th St. S.W. to State Route 526 HOV lane and interchange in Marysville*
- *I-5 / 41st St. interchange in Everett.*
- *State Route 520 bridge replacement and HOV lane work.*
- *State Route 9 / 84th St. N.E. (Gethchell Road) intersection in Marysville.*
- *I-5 northbound to between the Snohomish River and Ebey Slough.*
- *I-5 / 52nd Ave. W. to State Route 526 in Everett and Lynnwood.*
- *State Route 529 / Ebey Slough bridge replacement.*
- *Everett railroad curve realignment and storage tracks.*

Our state's three biennial budgets:

This link takes you to a Web site
featuring complete information about our state's
new biennial operating, capital and transportation budgets:
<http://leap.leg.wa.gov/leap/budget/detail/proposals.asp>.



Worker privacy:

**Keeping the noses of other people
out of an employee's private life and
thought**

As it stands today, the law generally allows an employer to force workers to attend meetings in which the employer presses company views ranging from religious issues to political issues to union issues. Workers can be – and often are – fired or disciplined for refusing to participate in these meetings. But [the Worker Privacy Act](#), prime-sponsored this year by Representative Sells, would put a stop to these mandatory meetings.

What it all comes down to is that workers should have the right to think what they want to think. And that includes the right to organize a union – or not – without interference or retaliation. Matters of individual conscience are just that: matters of individual conscience. Workers shouldn't be forced to participate in an employer communication that isn't directly related to job performance.

This legislation would allow workers to decide whether or not to take part in these meetings without any threat to their employment status. For sure, terms of the bill direct that employers could express their views on any topic they want. Certainly. The only thing is that they couldn't force workers to listen to those views.

We're disappointed that the measure didn't make it through the 2009 legislative session. But we remain committed to taking up the fight again in future sessions for the rights of Washington's working people.